

## SIXTIETH DAY

(Monday, May 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield
Moffett	

## Absent—Excused

Cotten	Weinert
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 27, 1939, was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Cotten was granted leave of absence for today, on account of illness, on motion of Senator Pace.

Senator Metcalfe was granted leave of absence for today, on account of illness, on motion of Senator Moffett.

## Reports of Standing Committees

Senator Roberts submitted the following report of the Committee on Finance:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two (2) fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senator Stone of Galveston submitted the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 793, A bill to be entitled "An Act amending Section 6 of Article 760 of the Code of Criminal Procedure of Texas; and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Senator Redditt submitted the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 810, A bill to be entitled

"An Act amending Article 6626 of the Revised Civil Statutes of Texas of 1925, as amended; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass and be printed.

REDDITT, Acting Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 493, A bill to be entitled "An Act amending Article 5986 of the Revised Civil Statutes of Texas of 1925, eliminating certain provisions of said Article; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass and be printed.

REDDITT, Acting Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 492, A bill to be entitled "An Act authorizing municipalities, political subdivisions, and taxing districts to effect a plan for the composition of their indebtedness under the provisions of the Federal Bankruptcy Laws heretofore enacted by the Congress of the United States; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass and be printed.

REDDITT, Acting Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 108, A bill to be entitled "An Act conferring and relinquishing to the Supreme Court full rule-making power in civil judicial proceed-

ings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed; authorizing and empowering the Supreme Court by general order to continue such Statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective; providing for promulgation of rules or amendments to rules by the Supreme Court after January 1, 1940, to be approved or disapproved by the Legislature; providing for publication of rules; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Vice Chairman.

#### Senate Bill on First Reading

Senator Moffett moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield
Moffett	

Absent—Excused

Cotten Weinert

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Moffett:

S. B. No. 447, A bill to be entitled

"An Act to declare a State policy regarding the encouragement and stimulation of new uses for cotton; directing that the various State agencies shall take due notice of such policy; directing particular State agencies to do the same; providing that certain agencies of the State Government shall be revamped and reorganized; directing the Governor to carry out the policy established by this Act; creating the Cotton Research Award Fund; making an appropriation therefor; providing for a Board of Trustees for said fund; providing the duties and powers of said Board of Trustees; setting forth certain conditions concerning expenditures from said fund; providing for the Comptroller to pay warrants drawn against said fund; and declaring an emergency."

Referred to Committee on Finance.

Senator Beck moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield
Moffett	

Absent—Excused

Cotten                      Weinert

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Beck:

S. B. No. 448, A bill to be entitled "An Act directing the Texas State Parks Board to execute quit-claim deeds to lands situated in the Big Bend Park in Brewster County which were sold for taxes and acquired by

the State for park purposes under the terms of Chapter 100, Acts of the First Called Session of the Forty-third Legislature, to the original owners in cases where the taxes were not actually delinquent, and where tax receipts or tax certificates can be produced showing payment of such taxes; and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

Senate Resolution 72

Senator Roberts offered the following resolution:

Be it Resolved, That the Senate of Texas express to the Salesmanship Club of Houston, to the directors of the Houston Bar Association, to Honorable J. M. West of Houston and to all others who had a part in the splendid entertainment at Houston last Saturday, its deep appreciation for the many courtesies shown and hospitality extended by the above persons and organizations, and by the many prominent citizens who did everything possible to make the Gridiron Dinner and its accompanying features an outstanding success, be it further

Resolved, That the Senate congratulate the Gridiron Committee and performers on the clear and unmistakable way in which they made us and others "see ourselves as others see us," be it further

Resolved, That a copy of this resolution be mailed to the Salesmanship Club, to the Directors of the Houston Bar Association and to Honorable J. M. West.

ROBERTS,  
SHIVERS,  
HEAD.

The resolution was read and was adopted unanimously.

Senate Resolution 73

Senator Brownlee offered the following resolution:

Whereas, Much of the traditional negro folk-lore, negro spirituals, and plantation melodies are fast disappearing due to neglect and the pressure of modern life, and

Whereas, This negro folk-lore, these negro spirituals and plantation melodies are important and interesting links between the past history of

the South and our modern times and should be preserved, and

Whereas, The Citizens National Benevolent Association of Austin, Texas, composed of prominent negro leaders of Texas, has been recently organized for the purpose of preserving in the original and natural beauty and spirit such folk-lore, negro spirituals and plantation melodies, said Association being a non-profit chartered association assisted by an Advisory Board of prominent white people interested in its work, and

Whereas, The Board of Directors of the Citizens National Benevolent Association of Austin, Texas, assisted by the aforementioned Advisory Board is endeavoring to establish a conservatory, and the purpose of which shall be to teach and to perpetuate the negro spirituals and old plantation melodies in their original form, in order that they may be preserved and handed down through this generation to the generations to come, therefore, be it

Resolved by the Senate of the State of Texas, That we heartily endorse and approve such movement and such plans as outlined above in this resolution and wish them God-speed in their most worthy efforts.

The resolution was read; and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Conference Committee on Senate Bill 109

Senator Van Zandt called up S. B. No. 109 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Van Zandt moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill

on the part of the Senate: Senators Van Zandt, Brownlee, Stone of Washington, Aikin and Winfield.

#### Senate Bill No. 367 with House Amendments

Senator Kelley called up S. B. No. 367 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

#### Yeas—28

Aikin	Mocre
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Winfield

#### Absent—Excused

Cotten	Weinert
Metcalf	

#### Senate Bill No. 283 with House Amendments

Senator Head called up S. B. No. 283 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

#### Yeas—28

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell

Kelley	Shivers
Lanning	Small
Lemens	Spears
Martin	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Winfield

Absent—Excused

Cotten	Weinert
Metcalfe	

#### Report of Standing Committee

Senator Shivers, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 623 by Blankenship et al., A bill to be entitled "An Act to amend Chapter 495, Article 3, Section 4, Paragraph (d), Acts of the Third Called Session of the Forty-fourth Legislature; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services of any character or kind that he might ren-

der in behalf of a person or persons who might now or at any time hereafter be eligible for any Social Security Benefits as provided by the laws of Texas and/or the United States; declaring it to be unlawful for any such attorney at law, or attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to advertise, hold himself out, or solicit fees in behalf of such efforts or services; prescribing penalty for violation of the provisions of this Act; making provisions for certain organizations; repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act providing for hospitalization and full pay for certain officials during period of injuries received while in actual discharge of their duties as such officials; defining and naming such officials; repealing all laws and parts of laws in conflict and declaring an emergency."

H. B. No. 308, A bill to be entitled "An Act declaring the policy of the State in regard to the extension and development of free public library service in all parts of the State; providing for a Texas Library and Historical Commission of six (6) members; creating a Division of Public Libraries in the Texas State Library; stating the purpose, powers, and duties of the Commission, the State Librarian and Division Directors, and requiring annual reports including a survey of public library facilities in the State; providing for the administration of State aid to free public libraries; providing for a State Board of Library Examiners for the certification of public librarians; revising the county library laws and providing for combined county and school libraries; amending Articles 5434, 5435, 5436, 5441, 5445, 5446, 1678, 1679, 1686, 1687, and 1694 of the Revised Civil Statutes of 1925; repealing Article 1682; amending Title 89 of the Revised Civil Statutes of 1925 by adding thereto new sections to be known as Articles 5446a and 5446b, and amending Title 35 by adding thereto a new section to be known as Article 1694a, and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas,' providing that said Motor Carrier Act shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; defining a private carrier and stating the qualifications necessary to qualify as such; defining a fixed and established place of business; defining the term 'person;' defining the term 'Commission;' providing for certain exemptions from the terms of this Act; providing that the use of the highways by private carriers, as herein defined, shall not be regarded as the use of such highways for transporting property for compensation or hire; making it unlawful for a private carrier to operate without a permit, and that no such permit shall be issued until the applicant shall have in all things complied with the requirements of this Act; providing for a written application and the information to be contained therein; providing that it shall be the duty of the Railroad Commission to issue permits to private carriers in compliance with the terms of this Act and the rules and regulations of the Railroad Commission; giving the Railroad Commission authority to reject the application, if not in compliance with said Act and its rules and regulations; providing for the payment of a filing fee and making it unnecessary for a private carrier to have more than one permit; providing for the placing in service of additional motor vehicles by private carriers and the payment of a fee to the Railroad Commission for the plates to be attached to such vehicles; giving the Railroad Commission authority to prescribe identification card which must be displayed within the cab of each motor vehicle operated by a private carrier; making it unlawful for a private carrier to operate vehicle unless there is displayed thereon identification plates issued by the Railroad Commission and making it the duty of the Railroad Commission to furnish such plates at a fee of Two Dollars for

each pair; providing that it shall be necessary for private carriers to furnish insurance and bonds for the protection of the public; providing that each driver of a motor vehicle operated by a private carrier shall have a Chauffeur's License issued by the Department of Public Safety; and providing that such Chauffeur's License may be cancelled for cause after notice and hearing and that it shall be the duty of the Railroad Commission to cancel the private carrier's permit when notified that such vehicles are being operated by a driver without a Chauffeur's License; providing for the number of hours that a driver may lawfully drive or operate a vehicle; declaring that it is the intent of the Legislature that the use of the highways by the private carriers, herein defined, is not a use for hire, but is declared to be the use of the highways by the general public; requiring that interstate carriers comply with the terms of this Act; providing that the funds paid to the Commission under the terms of this Act shall be deposited in the State Treasury and credited to the Motor Carrier Fund of the Railroad Commission; giving the Railroad Commission the authority to appoint certain employees and fixing the compensation therefor; providing that the provisions of this Act shall not apply to the State or any political subdivision thereof; providing for the cancellation of a private carrier's permit by the Railroad Commission; providing for filing complaints, issuance of notices and hearings upon such complaints by the Railroad Commission; giving Railroad Commission authority to make rules and regulations for the enforcement of this Act; making it unlawful for a person to own more than one kind of permit or certificate at the same time; providing that private carrier's permit shall be transferable; vesting in the inspectors of the Motor Transportation Division of the Railroad Commission and the License and Weight Inspectors of the Department of Public Safety exclusive authority to make arrests for the violation of the penal provisions of the laws of this State regulating private carriers and carriers for hire; making it unlawful and providing a penalty for the operation of vehicles by private carriers without a private

carrier's permit; making it unlawful and providing a penalty for the violation of any provision of the Act or the violation of any order, decision, rule or regulation of the Railroad Commission, and providing an additional civil penalty for such violations and placing the venue for the recovery of such civil penalties in any court of competent jurisdiction in Travis County, Texas, or in the county in which the violation occurs; and providing that district courts of this State shall have jurisdiction to issue injunctions to prevent violation of this Act or of the rules and regulations of the Railroad Commission; making it unlawful for a private carrier to engage in the business of transporting the property of others for compensation or hire or the transportation of property without such carrier having a fixed or established place of business, or the transportation of property by a private carrier of goods of which he is not the owner shall be guilty of a misdemeanor and upon conviction assessed a fine not to exceed Two Hundred (\$200.00) Dollars; a savings clause; declaration of legislative intent, and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act requiring the Railroad Commission of Texas to prescribe rules and regulations governing the issuance of tickets and bills of lading by intrastate motor bus and truck carriers for transportation of passengers and property for hire; defining intrastate operators; preventing the use of bills of lading and passenger tickets by intrastate operators which have been issued by those engaged in intrastate and foreign commerce; providing penalties for the violation of the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency." (With engrossed riders.)

H. C. R. No. 118, Granting Honorable J. D. Stephenson, Judge of the 66th Judicial District of Texas, permission to leave the State.

H. C. R. No. 120, Requesting that a new battleship soon to be constructed and completed by the Federal Government be named "The Battleship Texas."

The House has refused to concur in Senate amendments to H. B. No. 95 after reconsideration of concurrence on April 24, 1939, and requests

the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Keith, Thornton, Montgomery, Wilson, Boyd.

The House has adopted the Conference Committee report on S. B. No. 370 by a vote of 120 ayes, 0 noes.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 9. The following are appointed on part of the House: Hardin, Alsup, Brown of Cherokee, Rhodes, Kern.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Bill 95

Senator Van Zandt called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 95.

Senator Van Zandt moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Small, Brownlee, Stone of Galveston, Shivers and Van Zandt.

#### House Concurrent Resolution 116

The following resolution, received from the House previously, was laid before the Senate:

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections to H. B. No. 84.

The resolution was read; and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Bills on First Reading

The following bills, previously received from the House, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 967 to Committee on Education.

H. B. No. 669 to Committee on Mining, Irrigation and Drainage.

H. B. No. 740, to Committee on Counties and County Boundaries.

H. B. No. 879, to Committee on Public Lands and Land Office.

H. B. No. 984, to Committee on Education.

H. B. No. 55, to Committee on Civil Jurisprudence.

H. B. No. 72, to Committee on State Highways and Motor Traffic.

#### House Concurrent Resolution 115

The following resolution, received from the House previously, was laid before the Senate:

H. C. R. No. 115, Extending to the Brotherhood of Railway and Steamship Clerks and Express and Station Employees an invitation to hold their next Quadrennial Convention in the State of Texas.

The resolution was read, and on motion of Senator Moffett and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Concurrent Resolution 114

The following resolution, received from the House previously, was laid before the Senate:

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to dispose of certain fence.

The resolution was read; and on motion of Senator Burns and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Concurrent Resolution 117 Referred

The following resolution, received from the House previously, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 117, to Committee on Criminal Jurisprudence.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 42, Recalling S. B. No. 70 from the Governor's office to correct caption.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Motion to Take Up Senate Bill 91

Senator Stone of Washington moved that the regular order of business be suspended, to permit consideration of S. B. No. 91 at this time.

The motion was lost by the following vote:

#### Yeas—12

Brownlee	Shivers
Collie	Stone
Graves	of Galveston
Isbell	Stone
Lemens	of Washington
Moore	Sulak
Pace	Van Zandt

#### Nays—12

Aikin	Martin
Burns	Moffett
Hardin	Nelson
Hill	Small
Kelley	Spears
Lanning	Winfield

#### Absent

Beck	Redditt
Head	Roberts

#### Absent—Excused

Cotten	Weinert
Metcalfe	

#### House Bill 933 Set as Special Order

Senator Aikin moved that H. B. No. 933 be set as a special order for 2:00 o'clock p. m., next Wednesday, May 3, 1939.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Lemens
Brownlee	Martin
Burns	Moffett
Collie	Moore
Graves	Nelson
Hardin	Pace
Hill	Redditt
Isbell	Roberts
Lanning	Shivers



Stone of Galveston	Sulak
Stone of Washington	Van Zandt Winfield

Nays—2

Small Spears

Absent

Beck Kelley

Head

Absent—Excused

Cotten Weinert  
Metcalf**Report of Conference Committee  
on Senate Bill 370**

Senator Moffett submitted the following report of the Conference Committee on S. B. No. 370:

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate;

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 370, beg leave to report that we have considered same and recommend that it do pass in the form and text as hereto attached.

Respectfully submitted,

MOFFETT,  
GRAVES,  
COTTEN,  
SMALL,  
LEMENS,

On the part of the Senate.

STINSON,  
HARTZOG,  
ROBERTS,  
LEONARD,  
THORNTON.

On the part of the House.

Conference Committee Substitute for  
S. B. No. 370

**A BILL****TO BE ENTITLED**

An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance com-

panies may invest funds in any bonds or interest bearing warrants issued by authority of law by any county, city, town, school district or other municipality or subdivision constituted or organized under the laws of the State of Texas, and authorized to issue such bonds or warrants under the Constitution and laws of Texas, provided legal provision had been made by a tax to meet such obligations, or in the bonds and warrants of any educational institution of the State of Texas, or any municipally owned water system or sewer system when special revenues to meet the principal and interest payments as they accrue upon such obligations shall have been appropriated, pledged or otherwise provided by such municipality or educational institution; providing that any life insurance company, under certain limitations, for the purpose of investing its surplus over and above the amount of its reserves and capital stock, may purchase and hold as collateral security, or otherwise, and sell and convey the capital stock, bonds, debentures, bills of exchange or other commercial notes or bills and securities of any solvent dividend paying corporation which has not defaulted in the payment of any of its obligations for a period of five (5) years; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4725, Revised Civil Statutes of Texas of 1925, as amended by the Acts of 1937, Forty-fifth Legislature, page 330, Chapter 168, be and the same is hereby amended so as to hereafter read as follows:

"Article 4725—May invest in what securities. A life insurance company organized under the laws of this State may invest in or loan upon the following securities, and none others, viz:

"1. It may invest any of its funds and accumulations in the bonds of the United States or of any State, county, or city of the United States; or in any bonds, or interest bearing warrants issued by authority of law by any county, city, town, school district or other municipality or subdivision or by any educational institution of the State of Texas which is now or hereafter may be constituted or organized under the laws of this

State, and is authorized to issue such bonds and warrants under the Constitution and laws of this State, provided legal provision has been made by a tax to meet said obligations, or in the bonds and warrants of any educational institution of the State of Texas, or any municipally owned water system or sewer system when special revenues to meet the principal and interest payments as they accrue upon such obligations shall have been appropriated, pledged or otherwise provided by such municipality or educational institution; or in any paving certificates issued by any city in the State of Texas and secured by a first lien on real estate; or in bonds issued under and by virtue of the Federal Farm Loan Act approved July 17, 1916, when such bonds are issued against and secured by promissory notes or obligations, the payment of which is secured by mortgage, deed of trust or other valid lien upon unencumbered real estate situated in this State; or in first mortgage bonds on real or personal property of any solvent corporation, and which has not at any time defaulted in the payment of interest on any of its obligations, but in no event shall the amount of such investment in the bonds of any one such corporation exceed five (5%) of the admitted assets of the insurance company making the investment; or in interest bearing notes or bonds of the University of Texas issued under and by virtue of Chapter 40, Acts of the Forty-third Legislature, Second Called Session.

"2. It may loan any of its funds and accumulations, taking as security therefor such collateral as under the previous subdivision it may invest in. It may also make loans upon first liens upon real estate, the title to which is valid and the value of which is forty (40%) per cent more than the amount loaned thereon; or upon first liens upon leasehold estates in real property and improvements situated thereon, the title to which is valid, and the leasehold has not less than thirty (30) years to run before expiration; provided that the duration of any loan upon such leasehold estates shall not exceed a period of ten (10) years; or upon any obligation secured collaterally by any such first liens. If any part of the value of such real estate is in buildings, such buildings shall be insured against

loss by fire for at least fifty (50%) per cent of the value thereof with loss clause payable to such company. It may also make loans upon the security of or purchase of its own policies. No loans on any policy shall exceed the reserve value thereof. No investment or loan, except policy loans, shall be made by any such insurance company, unless the same shall first have been authorized by the Board of Directors or by a committee charged with the duty of supervising such investments or loans. No such company shall subscribe to, or participate in, any underwriting of the purchase or sale of securities or property, or enter into any such transaction for such purpose, or sell on account of such company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property; but the disposition of its property shall be at all times within the control of its Board of Directors; provided that the provisions of this subdivision as to the value of the real estate compared to the amount loaned thereon and as to the duration of such loan shall not apply to loans secured by real estate which are insured under the provisions of Title II of the 'National Housing Act', enacted by Congress of the United States and approved by the President June 27, 1934.

"3. Any life insurance company of the State, for the purpose of investing its surplus or any part thereof, over and above the amount of its reserves and capital stock, may purchase and hold as collateral security, or otherwise, and sell and convey the capital stock, bonds, debentures, bills of exchange or other commercial notes or bills and securities of any solvent dividend paying corporation which has not defaulted in the payment of any of its obligations for a period of five (5) years, the current market value of which such stock, bonds, debentures, bills of exchange, or other commercial notes or bills and securities shall be at all times during the continuance of such loan at least fifty (50%) per cent more than the sum loaned thereon; provided that no such company shall loan or invest in its own stock, nor more than five (5%) per centum of the amount of its capital and surplus in the stock of any corporation, and provided further that no such com-

pany shall invest any of its funds in any stock on account of which the holders or owners thereof may in any event, be or become liable to any assessment except for taxes, nor in the stock of any oil company or manufacturing company unless such corporation has capital stock of not less than Five Million (\$5,000,000) Dollars and unless such corporation has paid dividends for a period of five (5) years and has not defaulted in the payment of any of its debts for a period of five (5) years.

That in any case in which a life insurance company organized under the laws of this State, shall reinsure the business and take over the assets of another life insurance company, either domestic or foreign, all investments of such reinsured company that were authorized, when made, by the laws of the State in which it was organized, as proper securities for investment of the funds of a life insurance company, and which are taken over by such reinsuring company, shall be considered as valid securities of such reinsuring company, under the laws of this State, provided such investments are approved by the Board of Insurance Commissioners of this State, and same are taken over on terms satisfactory to said Board; and upon the condition that the Board of Insurance Commissioners shall have the power to require the reinsuring company to dispose of such investments upon such notice as it may deem reasonable."

Sec. 2. The fact that Texas life insurance companies have large sums of money to invest, and the fact that the law in force in Texas at this time is too restrictive and does not permit the investment of insurance funds in all of the securities provided for in this Act, and the further fact that it is desired that this Act shall take effect as soon as possible, creates an emergency and an imperative public necessity, and that the constitutional rule requiring bills to be read upon three several days in each House should be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question — Shall the report be adopted?

The report was adopted by the following vote:

## Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Winfield

## Absent—Excused

Cotten	Weinert
Metcalf	

## House Bill 231 Set as Special Order

Senator Spears moved that H. B. No. 231 (the fair trade bill) be set as a special order for 10:30 o'clock a. m. next Thursday, May 4, 1939.

The motion prevailed by the following vote:

## Yeas—18

Aikin	Lemens
Beck	Martin
Brownlee	Moffett
Collie	Shivers
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Winfield
Lanning	

## Nays—6

Burns	Redditt
Moore	Small
Pace	Van Zandt

## Present—Not Voting

Nelson	Stone
	of Washington

## Absent

Head	Roberts
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## Absent—Excused

Cotten	Weinert
Metcalf	

**Committee Substitute for Senate  
Bill 32 on Passage to  
Engrossment**

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on Tuesday, April 25, 1939):

Committee Substitute S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply statutory purposes; and declaring an emergency."

With the following amendment by Senator Hill pending:

Amend Committee Substitute S. B. No. 32 by striking Section 3 and substituting in lieu thereof the following:

"Sec. 3. It shall be the duty of the Commission to inquire into the production of sweet gas from the various common reservoirs located in this State. When the Commission finds from the evidence introduced that cognizable and preventable drainage exists between tracts of land producing sweet gas and segregated as to surface position and common ownership, it shall be the duty of the Commission to determine the amount of recoverable sweet gas in place at the time of said hearing under each tract of land producing sweet gas in said common reservoir and after the determination of the amount of recoverable sweet gas in place under each tract of land producing sweet gas and segregated as to surface position and common ownership, the Commission shall allocate to each tract said amount of recoverable sweet gas found to be in place thereunder, and after such determination it shall be unlawful for any person to produce from said tracts a greater amount of gas than so allocated thereto. The amount of sweet gas so allocated to each tract may be produced at such rates as may be desired so long as said production

does not cause physical waste as defined in Chapter 120, Acts Forty-fourth Legislature, Regular Session.

Question—Shall the amendment be adopted?

**Bills and Resolution Signed**

The President signed in the presence of the Senate the following enrolled bills and resolution:

H. B. No. 484, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 644, Chapter 315, Section 1, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 204, Chapter 108, Section 1, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 795, Chapter 389, Section 1, by adding a new section to be known as Article 2687e, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, eight hundred (38,800) population, according to the last preceding Federal Census and each succeeding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 978, A bill to be entitled "An Act amending H. B. No. 11, Acts of the Regular Session of the Forty-sixth Legislature."

S. C. R. 42, Recalling S. B. No. 70 from the Governor.

**Reports of Standing Committees**

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 962, A bill to be entitled "An Act amending Article 2843 of

Chapter 16, as amended, of the Revised Civil Statutes of the State of Texas, revision of 1925, providing for a uniform free textbook system; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

S. B. No. 291, A bill to be entitled "An Act amending Articles 7454, 7455, 7456, 7460 and 7461 Revised Civil Statutes of the State of Texas to further define and regulate the practice of veterinary medicine, surgery and dentistry within this State and defining the practice of veterinary medicine, surgery and dentistry; creating a board of physicians, surgeons and dentists and prescribing their powers, duties and qualifications; requiring the payment of an application fee by persons desiring to practice Veterinary Medicine, (including dentistry and surgery) in this State; and requiring the payment of a reciprocity fee for out of State veterinarians desiring to practice in the State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOFFETT, Chairman.

#### House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 132, to Committee on Criminal Jurisprudence.

H. B. No. 949, to Committee on State Affairs.

H. B. No. 308, to Committee on State Affairs.

#### Recess

On motion of Senator Kelley, the Senate at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### House Concurrent Resolution 118

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 118, Granting Judge J. D. Stephenson leave of absence from the State.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### Report of Standing Committee

Senator Beck, by unanimous consent, submitted at this time the following report of the Committee on Public Lands and Land Office:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 448, A bill to be entitled "An Act directing the Texas State Parks Board to execute quit-claim deeds to lands situated in the Big Bend Park in Brewster County which were sold for taxes and acquired by the State for park purposes under the terms of Chapter 100, Acts of the First Called Session of the Forty-third Legislature, to the original owners in cases where the taxes were not actually delinquent, and where tax receipts or tax certificates can be produced showing payment of such taxes; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

#### Senate Concurrent Resolution 43

Senator Hill, by unanimous consent, offered at this time the following resolution:

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Carl Anderton be and he is hereby granted permission to make the State of Texas and

the State Highway Department a party to a suit to establish his claim and recover his damages because of said alleged negligence of the State Highway Department in allowing said traffic light to remain out of order, in any court of competent jurisdiction in Rusk County, Texas, within two (2) years from date of this Act, and that service of process shall be had upon the Attorney General and any member of the State Highway Commission of the State of Texas, with the same force and effect as in civil cases.

The resolution was read and was referred to the Committee on State Affairs.

#### House Concurrent Resolution 120

The following resolution, received from the House today, was laid before the Senate.

H. C. R. No. 120, Requesting the name "Texas" be given a battleship.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### Senate Bill 448 on Second Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 448 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

##### Absent—Excused

Cotten	Metcalfe
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The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 448 on Third Reading

The President then laid S. B. No. 448 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

##### Absent—Excused

Cotten	Metcalfe
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#### House Bill 224 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 224 at this time.

The President laid before the Senate on its second reading and passage to third reading.

H. B. No. 224, A bill to be entitled "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permits issued under the provisions of this section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 224 on Third Reading**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 224 be placed on its third reading and final passage:

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Collie	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

**Absent—Excused**

Cotten	Metcalfe
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**Committee Substitute for Senate Bill 32 on Passage to Engrossment**

The Senate resumed consideration of pending business, same being Committee Substitute S. B. No. 32, to

regulate the production of natural gas, on its passage to engrossment; with amendment by Senator Hill pending.

(President Pro Tempore Moore in the Chair.)

(Senator Collie in the Chair.)

Yeas and nays were demanded, and the amendment was lost by the following vote:

**Yeas—9**

Beck	Lemens
Brownlee	Martin
Burns	Stone
Hardin	of Galveston
Head	Sulak
Hill	

**Nays—19**

Aikin	Pace
Collie	Redditt
Graves	Roberts
Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Washington
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield

**Absent—Excused**

Cotten	Metcalfe
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Senator Roberts offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 32 by adding a new section to read as follows:

"Sec. 3a. It shall be the duty of the Railroad Commission of Texas to inquire into the production of gas from gas wells in this State and where it finds that any liquid petroleum is being produced along with the gas, the Commission shall place the production allowable of liquid petroleum so produced under the same production schedule that governs the production allowable of oil from oil wells."

The amendment was adopted by the following vote:

**Yeas—19**

Aikin	Collie
Beck	Hardin
Brownlee	Hill
Burns	Lanning

Moffett	Stone
Moore	of Galveston
Pace	Stone
Roberts	of Washington
Shivers	Sulak
Spears	Van Zandt

## Nays—10

Graves	Redditt
Isbell	Small
Kelley	Weinert
Martin	Winfield
Nelson	

## Absent

Head	Lemens
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## Absent—Excused

Cotten	Metcalfe
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## Message from the Governor

The Presiding Officer laid before the Senate, and had read, the following message from the Governor.

Austin, Texas,  
May 1, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

In my message to you of April 24 which was submitted to you on April 27, I submitted the names of E. L. Kurth and Walter Dillard to be Members of the Texas Prison Board. In preparing the message submitting these names a typographical error was made in the effective date of these appointments and for that reason I respectfully request that this message be substituted in the place of the one I submitted on April 27.

I, therefore, ask the advice, consent, and confirmation of the Senate to the following appointments:

To be Members of the Texas Prison Board (terms beginning February 16, 1939):

E. L. Kurth of Lufkin, Angelina County;

Walter Dillard of New Braunfels, Comal County;

Paul T. Sanderson of Trinity, Trinity County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The message was read and referred to the Committee on Nominations of the Governor.

On motion of Senator Moore and by unanimous consent, it was ordered

that the message be substituted for the message heretofore presented containing nominations of Members of the Texas Prison Board.

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 50, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses, providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses, relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same, providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; provid-



ing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining 'conviction' and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident license upon conviction in another state; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill 15, Chapter 466, Page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill 16, Chapter 369, Page 752, Regular Session, Forty-fifth Legislature; providing a saving clause, declaring an emergency and providing the Act shall take effect from and after its passage."

H. B. No. 178, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1939, due to the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State pro-

vided same are paid on or before June 1, 1939; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such finding of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town or village or special school district or independent school district, providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time all delinquent taxes for any one year on the same property may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any section, clause, sentence, paragraph, or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

The House has adopted the Conference Committee report on H. B. No. 518 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Committee Substitute Senate Bill 32 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Committee Substitute S. B. No. 32, to regulate the production of natural gas, on its passage to engrossment.

Senator Martin offered the following amendment to the bill:

Amend Committee Substitute S. B. No. 32 by adding to the end of Section 3, line 58, the following:

"Providing that every tract of land segregated as to surface position and common ownership containing 25,000 acres or more, not draining a greater

volume of gas from other tracts than is being drained therefrom, shall be zoned into a separate zone, and the Commission shall not reduce or restrict the amount of sweet gas that may be produced from the wells in said zone as long as the amount of sweet gas being produced from said zone does not cause physical waste, and as long as the wells in said zone are not draining more sweet gas from other tracts than is being drained from said zone; and further providing that if any area producing sweet gas is being drained by any area producing sour gas, then said area producing sweet gas shall be zoned into a separate zone, and all sweet gas wells in said zone shall be permitted to produce such amount of gas as they can produce without causing physical waste as defined in Chapter 120, Acts of Forty-fourth Legislature, Regular Session."

Pending consideration of the amendment, President Pro Tempore Moore occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the amendment be adopted?

#### Conference Committee on Senate Bill 135

Senator Moore called up S. B. No. 135 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moore, Nelson, Shivers, Roberts and Lemens.

#### Senate Bill No. 319 with House Amendments

Senator Kelley called up S. B. No. 319 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalf
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#### Report of Conference Committee on House Bill 95

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the conference committee on H. B. No. 95:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 95, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

SMALL,  
VAN ZANDT,  
STONE  
of Galveston,  
SHIVERS,  
BROWNLEE,

On the part of the Senate.

KEITH,  
THORNTON,  
MONTGOMERY,  
BOYD,  
WILSON,

On the part of the House.

H. B. No. 95.

A BILL  
TO BE ENTITLED

An Act to amend Articles 5025, 5026, 5027, 5029, 5031, 5032, and 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and to add thereto Articles 5029a and 5033a, relating to indemnity contracts by reciprocal or inter-insurance exchanges; fixing the extent of liability of subscribers at such exchanges; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5025 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5025. Attorney for Subscribers. Such contracts may be executed by a duly appointed attorney in fact duly authorized and acting for such subscribers. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

"Any person, firm or corporation may act as such attorney in fact, provided such attorney in fact shall make a good and sufficient fidelity bond acceptable to the Board of Insurance Commissioners of Texas and payable to the subscribers at the exchange, or, in lieu thereof, payable to the said Board of Insurance Commissioners, such bond to be in the sum of Twenty-five Thousand Dollars (\$25,000) in the case of an individual or firm, and Fifty Thousand Dollars (\$50,000) in the case of a corporation, which said bond shall obligate the principal and surety to pay such pecuniary loss, not exceeding the penalty of the bond, as the exchange shall sustain of money or property by an act or acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or wilful misapplication on the part of the said attorney in fact directly or through connivance with others, and in the event of any violation of the conditions of said bond, the insurance supervisory authority of any State in which the attorney in fact is authorized to transact the business of the exchange may bring suit to enforce the penalty of the bond on behalf of the subscribers; provided, that a deposit with the proper lawful authority of the home State of such

exchange of cash or securities of the kind in which general casualty companies may invest their funds, in like amount, conditioned, approved and payable in like manner, may be used in lieu of such bond."

Sec. 2. That Article 5026 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5026. Declaration of Subscribers. Such subscribers, so contracting among themselves, shall, through their attorney in fact, file with the Board of Insurance Commissioners a declaration verified by the oath of such attorney in fact setting forth:

"1. The name or the title of the office at which subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of said Board of Insurance Commissioners is calculated to confuse or deceive. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or interinsurance exchanges.

"2. The kind or kinds of insurance to be effected or exchanged, provided that same shall not include life insurance.

"3. A copy of the form of policy, contract or agreement under or by which such insurance is to be effected or exchanged.

"4. A copy of the form of power of attorney or other authority of such attorney in fact under which such insurance is to be effected or exchanged, which form shall be subject to approval by the Board of Insurance Commissioners of Texas; provided, however, that, except as to matters concerning which specific provision is made in this Chapter, nothing herein contained shall be so construed as to permit the said Board to require the filing or use of uniform forms of such instruments. Such power of attorney or other authority executed by the subscribers at any such exchange shall provide that such subscribers shall be liable, in addition to the premium or premium deposit specified in the policy contract, to a contingent liability equal in amount to one additional annual premium or premium deposit. Such subscribers at such exchange may

provide by agreement that the premium or premium deposit specified in the policy contract on all forms of insurance except life shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal to Two Hundred Thousand Dollars (\$200,000.00); provided that if such exchange does not or is not applying to exchange Workmen's Compensation, Employers' Liability, or contracts providing indemnity against legal liability to third persons, except automobile public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various States, such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute the subscriber's entire liability through the exchange while, but only while, it maintains a free surplus of not less than Fifty Thousand Dollars (\$50,000.00) if only one kind of insurance is exchanged, with an additional Ten Thousand Dollars (\$10,000.00) of free surplus for each additional kind of insurance exchanged (including automobile public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various States), but not more than One Hundred Thousand Dollars (\$100,000.00) surplus shall be required; provided, however, that any domestic reciprocal organized prior to the effective date of this Act which has been and is exchanging contracts without contingent liability and which does not have the minimum surplus required by this section to exchange such contracts, may continue to exchange contracts without contingent liability until December 31, 1943, provided that

"(a) On December 31, 1939, December 31, 1940, December 31, 1941, and December 31, 1942, it shall have increased its surplus by respective amounts of twenty-five (25) per centum of the difference between the surplus existing on December 31, 1938, and the surplus herein required of a reciprocal before it is permitted to exchange contracts without contingent liability; and

"(b) At no time during each calendar year of the period above re-

ferred to shall the surplus be less than thirty (30) per centum of the premiums written during each such year; and

"(c) All other provisions of this Act shall be complied with; and

"(d) If such reciprocal fails to increase its surplus in accordance with this subsection, such reciprocal shall be subject to the minimum surplus as above-mentioned, or discontinue exchanging policies without contingent liability.

"5. The location of the office or offices from which such contracts or agreements are to be issued.

"Provided, further, that, as to all classes of insurance permitted to be written under the provisions of this Chapter, such verified declaration shall disclose the following:

"(a) In case of workmen's compensation insurance, that applications have been made for indemnity by at least fifty (50) separate subscribers who have not less than two thousand (2,000) employees, as represented by; executed contracts or bona fide applications to become concurrently effective.

"(b) As to all other classes of insurance permitted to be written under the provisions of this Chapter, that applications for indemnity have been made by at least seventy-five (75) separate subscribers for each class of risk to be exchanged, aggregating not less than Five Hundred Thousand Dollars (\$500,000.00) as to each class of risk, as represented by executed contracts or bona fide applications to become concurrently effective."

Sec. 3. That Article 5027 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5027. Service of Process. Concurrently with the filing of such declaration, the attorney shall file with the Board of Insurance Commissioners an instrument in writing executed by him for said subscribers conditioned that upon the issuance of certificates of authority as hereinafter provided, service of process may be had upon the chairman of such Board in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. Three copies of such

process shall be served and said chairman of such Board shall file one copy, forward one copy to said attorney, and return one copy with his admission of service. It is provided, however, that in lieu of the method hereinabove provided, service of process may be had upon such attorney in fact in all suits, which service shall likewise be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. If said attorney in fact be a corporation, either foreign or domestic, or joint stock company, or association, service of process thereon may be had in any manner provided by general law for service of process on corporations, stock companies, or associations."

Sec. 4. That Article 5029 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5029. Financial Requirements. There shall be maintained at all times such reserves as are required, or which, by the laws of this State or by the lawful rules and regulations of the Board of Insurance Commissioners, hereafter may be required, to be maintained by stock insurance companies transacting the same kind or kinds of insurance business.

"There shall be maintained at all times assets in a sum sufficient to discharge all liabilities, including reserves, and to provide a surplus over all liabilities, including reserves, of not less than Fifty Thousand Dollars (\$50,000.00), and if at any time such surplus shall not equal that amount the attorney may make up such deficiency in the manner provided by Article 5029a of this Chapter.

"The required assets of such exchanges shall be maintained in cash or securities of the kind in which general casualty companies are authorized by law to invest or lend their funds. Any exchange whose attorney in fact now has a certificate of authority to transact business in this State shall have until December 31, 1941, to fulfill the foregoing financial requirements specified in this Article; provided, however, that, upon good cause shown, the Board of Insurance Commissioners may, in the exercise of reasonable discretion, extend such period of time for not to exceed three (3) years thereafter;

provided further, however, that any exchange requiring such additional time to fulfill such financial requirements shall not have, at any time after the passage of this Act, a surplus less than its said surplus as the same existed on January 1st, 1939.

"If fidelity and surety bond insurance is exchanged in this State by any reciprocal exchange, there shall be kept on deposit with the State Treasurer of Texas, money, bonds, or other securities, in an amount not less than Fifty Thousand Dollars (\$50,000.00). Such securities shall be approved by the Board of Insurance Commissioners, and this amount shall be kept intact at all times. Any foreign exchange writing fidelity and surety bonds in this State shall file with the Board of Insurance Commissioners evidence, satisfactory to the Board of Insurance Commissioners, that it has on deposit with the State Treasurer or other proper officials of its home State or in escrow under his supervision and control in some reliable bank or trust company One Hundred Thousand Dollars (\$100,000.00) or more, in money, bond or other securities for the protection of its policyholders; provided, further, that if said bonds and securities herein referred to are not acceptable to and approved by the Board of Insurance Commissioners of Texas, said Board shall have the right and authority to deny the attorney in fact a certificate of authority."

Sec. 5. That Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended by adding thereto a new Article to be numbered 5029a and reading as follows:

"Article 5029a. May Advance Money. Any attorney in fact of such exchange may advance to such exchange any sum or sums of money necessary for the purpose of its business or to enable it to comply with any requirement of law, and such moneys and interest thereon as may have been agreed upon, not exceeding ten (10) per cent per annum, shall be payable, subject to the approval of the Board of Insurance Commissioners (which approval shall not be arbitrarily refused), only out of the surplus remaining, after providing for all reserves, other liabilities and required surplus, and shall not otherwise be a liability or claim against the exchange or any of its assets. No commission or promotion ex-

penses, or other bonus, shall be paid in connection with the advance of any such money to the exchange, and the amount of all such advances shall be reported in each annual statement."

Sec. 6. That Article 5031 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5031. Any corporation May Exchange. Any corporation, public, private or municipal, now or hereafter organized under the laws of this State, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purpose for which such corporations are organized and as much granted as the rights and powers expressly conferred."

Sec. 7. That Article 5032 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5032. Certificate of Authority. Such attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to herein shall procure from the Board of Insurance Commissioners annually a certificate of authority stating that all of the requirements have been complied with, and upon such compliance and the payment of the fees required by law, the Board of Insurance Commissioners shall issue such certificate of authority. Such Board of Insurance Commissioners may revoke or suspend any certificate of authority issued hereunder in case of breach of any condition imposed by this law, after reasonable written notice has been given said attorney so that he may appear and show cause why action should not be taken; provided, that said attorney by whom and through whom are issued any policies of or contracts for indemnity of the character herein referred to shall have the right of appeal to any District Court of Travis County, Texas, and shall have twenty (20) days from the date of any adverse ruling to effect such appeal; and the further right of appeal by any such attorney from the ruling or decision of any such District Court is hereby ex-

pressly granted. Any attorney who may have procured a certificate of authority hereunder shall renew same annually thereafter. Any certificate of authority shall continue in effect until the new certificate of authority be issued or specifically refused. The schedule of fees set out in Article 3920, so far as pertinent, shall apply to reciprocal exchanges and their attorneys in fact. Said exchanges shall pay a tax of three and one-fourth ( $3\frac{1}{4}$ ) per cent on all premiums collected, except fire and workmen's compensation premiums, under the provisions of Article 7064, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 8, Chapter 495, Page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts 1937, Forty-fifth Legislature, House Bill No. 441, Section 1, as amended Acts 1939, Forty-sixth Legislature, House Bill No. 556, subject to reduction by investment in Texas securities as therein provided; and exchanges writing workmen's compensation insurance shall pay a tax of one-half ( $\frac{1}{2}$ ) of one (1) per cent of the workmen's compensation premiums collected under the provisions of Article 7064a, Revised Civil Statutes of Texas, 1925, as enacted by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts 1937, Forty-fifth Legislature, by House Bill No. 441, Section 1-b, as amended Acts 1939, Forty-sixth Legislature, House Bill No. 557; and a further tax of three-fifths ( $\frac{3}{5}$ ) of one (1) per cent or such lesser amount as the Board of Insurance Commissioners may assess, on workmen's compensation premiums collected in this State under the provisions of Chapter 25, Section 1, Acts of 1937, Forty-fifth Legislature.

"Provided further, that an additional tax of one-fifth ( $\frac{1}{5}$ ) of one (1) per cent or such lesser amount as the Board of Insurance Commissioners may assess shall be paid by such exchanges on gross premiums collected for motor vehicle insurance under the provisions of Chapter 253, Acts of the Fortieth Legislature, as amended Acts of 1937, Forty-fifth Legislature by Senate Bill No. 77."

Sec. 8. That Article 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5033. When Insurance Law Applies. Except as provided in this Chapter, no insurance law of this State shall apply to the exchange of such indemnity contracts unless reciprocal or interinsurance exchanges are specifically mentioned in such other laws."

Sec. 9. Than an Article to be designated Article 5033a shall be added to Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and that said additional Article designated Article 5033a, shall read as follows:

"Article 5033a. If any word, phrase, clause, sentence, paragraph or section, or part thereof, of this Chapter shall be held invalid, unconstitutional or inoperative, such holding shall not affect the validity of the remainder of this Chapter, and the Legislature declares hereby that it would have enacted the remainder of said Chapter, despite any such invalidity. If any exception to or limitation upon any general provision contained herein shall be held to be invalid, unconstitutional or inoperative, the general provision, nevertheless, shall stand effective and valid as if the same had been enacted without such limitation or exception."

Sec. 10. The fact that the present laws covering the subject material of this Act are inadequate creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read in each House on three several days, and the Constitutional Rule, requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—28

Beck	Martin
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

Nays—1

Aikin

Absent—Excused

Cotten

Metcalfe

#### Senate Concurrent Resolution 44

Senator Sulak, by unanimous consent, offered at this time the following resolution:

Whereas, There is an imperative demand for greater efficiency and a lowering of the cost of our State Government, and there seems to be a prevailing sentiment that with the proper co-ordination that more efficiency could be secured and at less expense than at the present time, and

Whereas, There are quite a number of departments and bureaus in this State that are allied or interrelated with agricultural development, regulation, protection, and education and otherwise

Whereas, There are some alleged duplications of efforts in said departments and bureaus, and an acknowledged lack of co-ordination in many of them, now, therefore, be it

Resolved, That a joint committee of five members, two to be named by the Lieutenant Governor, and three by the Speaker of the House of Representatives, to make a careful study of the duties, performances and needs of such departments and bureaus, as are in anywise allied or related to the agricultural development, regulation, protection, education or otherwise of the agricultural and livestock interests of the State of Texas, and be it further

Resolved, That this joint committee of the Senate and House of Representatives be empowered to contact other States of the Union in reference to the manner in which they conduct their respective departments of Agriculture, and to match such other investigations or do such research work as will enable it to recommend a plan for the orderly co-ordination of such departments and bureaus into a working basis that will afford greater efficiency and if possible at a less cost than those now in operation in the State of Texas, and be it further

Resolved, That this joint committee report its findings, and make its recommendations at the next session of the Legislature, either special or regular. That there be provided and appropriated out of the general funds of the State of Texas, the sum of One Thousand (\$1,000.00) Dollars or as much thereof as may be necessary to pay the actual expenses of the aforesaid joint committee, in the investigations or in such research work as may be necessary.

SULAK.  
MOFFETT.

The resolution was read and was referred to the Committee on Finance.

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 367, "An Act authorizing the Commissioners Court in any county having a population of not less than 10,399, and not more than 10,499 according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business, and declaring an emergency."

S. B. No. 283, "An Act to amend Chapter 196, Revised Civil Statutes of 1925, Acts of the Forty-third Legislature, 1933, by adding a new section thereto to be designated as Section 4a and providing that the governing board of several institutions, supported in whole or in part by the State Treasury, shall cause to be collected from students registering in said schools, additional tuition for instruction in the Fine Arts Departments, Schools or Colleges with certain exceptions, and declaring an emergency."

S. B. No. 370, "An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in any bonds or interest bearing warrants issued by authority of law by any county, city, town, etc., and declaring an emergency."

H. B. No. 224, "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new section to Section 6 to be known as Section 6 (f); by providing for the sale and transfer of contract carrier permits issued under the provisions of this Section of the Act; by providing the method and manner of transferring said contract carrier permit; and declaring an emergency."

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

H. C. R. No. 115, Extending to the Brotherhood of Railway and Steamship Clerks and Express and Station Employees an invitation to hold their next Quadrennial Convention in the State of Texas.

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 84.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 971, A bill to be entitled "An Act fixing the compensation of the County Judge, Tax Assessor-Collector, County Clerk, District Clerk, Sheriff, and County Attorney in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred and thirty (48,930), according to the last Federal Census; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of such conflict only; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, as amended.

HARDIN, Chairman.



Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 541, A bill to be entitled "An Act amending Article 6871, Title 120, Revised Civil Statutes of the State of Texas, 1925; providing a penalty for violation of the Act by anyone charged with enforcing it; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 872, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; providing for fees to County Judge in certain cases; providing fees for other officers of the Court shall be the same as now provided by laws of the State; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services that they might render to obtain benefits for any person or persons

from the Social Security program as it applies to old age assistance, blind persons or dependent and destitute children; declaring it to be unlawful for any such attorney at law, or attorney in fact, or any other person, firm, corporation or association of persons whatsoever to advertise, hold themselves out, or solicit fees or contributions in behalf of such efforts or services; prescribing penalty for violation of the provisions of this Act; making provisions for certain organizations; repealing all laws or parts of law in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 706, A bill to be entitled "An Act to regulate the taking of bullfrogs; providing a penalty; exempting persons engaged in the business of raising frogs; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

MOORE, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 955, by Burkett, and Crossley, A bill to be entitled "An Act establishing, authorizing, and providing for junior colleges in connection with the independent school districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200) according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such independent school

districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040) and not more than six thousand and seventy (6,070) according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishment by the boards of trustees of such independent school districts as hereinabove defined, a junior college; providing the boards of trustees of the independent school districts embraced within this Act shall comprise a board of trustees for the junior colleges; providing the junior colleges authorized herein shall be operated exclusively by tuition, grants, gifts, or donations and shall never become a charge against the State, or require appropriations therefrom; providing number of departments for such junior colleges; providing qualifications of teachers in such junior colleges; providing minimum number of students in such colleges; providing minimum taxable values for such districts; providing for enlargement of such districts; providing for approval by the State Board of Education with the advice of the State Superintendent; providing for mode and manner of collecting taxes for such districts; making said law cumulative of all laws and parts of laws now in force in this State with reference to the creation of junior colleges; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 441, by Nelson, A bill to be entitled "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts having fewer than ten (10) scholastics and not having conducted a school for a period of five (5) years providing that the territory of school districts so abolished or subdivided may be attached to contiguous districts in such manner as may be determined by the county boards; pro-

viding for the adjustment of bonded indebtedness and the distribution of funds; validating actions of county boards of trustees heretofore taken to accomplish objects authorized by this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 879, by Petsch, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, and transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas; providing for reversion of title to said Park to the State upon failure of the city to continue levying the tax for maintenance of the Park; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

#### Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 5:11 o'clock p. m. today, to consider nominations of the Governor.

#### Executive Session

The President, at 5:11 o'clock p. m., announced that the hour fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the execu-

tive session, and to close all doors leading from the Senate Chamber.

#### After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following reports:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Texas Prison Board (terms beginning February 16, 1939):

E. L. Kurth of Lufkin, Angelina County;

Walter Dillard of New Braunfels, Comal County;

Paul T. Sanderson of Trinity, Trinity County;

Have had same under consideration and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the State Board of Medical Examiners (terms beginning April 13, 1939):

Dr. Charles S. Carter of Bells, Grayson County (reappointment);

Dr. C. M. Phillips of Levelland, Hockley County;

Dr. T. J. Crow of Dallas, Dallas County;

Dr. Everett W. Wilson of San Antonio, Bexar County;

Have had same under consideration and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

The President called the Senate to order as in legislative session at 5:20 o'clock p. m.

#### Recess

Senator Van Zandt moved that the Senate recess to 8:15 o'clock p. m. today.

Senator Hill moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Hill, it was lost.

The motion of Senator Van Zandt prevailed; and the Senate, accordingly, at 5:25 o'clock p. m., took recess to 8:15 o'clock p. m. today.

#### Night Session

The Senate met at 8:15 o'clock p. m. to consider local and non-contested bills pursuant to Senate Resolutions Nos. 47 and 51, and was called to order by the President.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 356, A bill to be entitled "An Act amending Article 2671 of the Revised Civil Statutes of Texas as amended by Chapter 278 Acts of the Regular Session of the 41st Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 637, A bill to be entitled "An Act to amend paragraph (c) of Section 1, and paragraph (c) of Section 2 of Chapter 299, House Bill No. 759, Acts of the Regular Session of the Forty-fifth Legislature; de-

fining the word "trapper", and providing fees for licenses to engage in the taking of fur-bearing animals, and in selling the pelts thereof; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

#### House Bill 879 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 879, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey and transfer all right, title and interest of whatsoever class, kind or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 879 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 879 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten

Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten

Metcalfe

#### House Bill 939 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 939, A bill to be entitled "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments effecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 939 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 939 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 533 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 533, A bill to be entitled "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 533 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 533 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent

Cotten
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## Absent—Excused

Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent

Cotten

## Absent—Excused

Metcalf

## House Bill 954 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 954, A bill to be entitled "An Act relating to marks and brands of live stock in Chambers County, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said County; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Chambers County shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said County; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in said County for a period of thirty (30) days, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 954 on Third reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 954 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas— 29

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Graves	Lanning

Lemens  
Martin  
Moffett  
Moore  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small

Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

## Absent—Excused

Cotten

Metcalf

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas— 29

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Moffett  
Moore

Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

## Absent—Excused

Cotten

Metcalf

## House Bill 698 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 698, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after the passage of this Act; providing for the protection of pastures, crops and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 698 on Third Reading**

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 698 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Metcalfe

**House Bill 869 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 869, A bill to be entitled "An Act prohibiting the liberation of wild fox in Parker County; providing a suitable penalty for any violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 869 on Third Reading**

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 869 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten

Metcalf

**House Bill 919 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 919, A bill to be entitled "An Act permitting the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions; permitting the taking of minnows in certain cases; affixing penalties for violation thereof; repealing all laws and parts of laws in conflict herewith, and especially repealing House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 919 on Third Reading**

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 919 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas— 29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten

Metcalf

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten

Metcalf

**Senate Bill 433 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

S. B. No. 433, A bill to be entitled "An Act to enable common school districts in each county of Texas having a population of not less than eleven thousand twenty-one (11,021) nor more than eleven thousand fifty (11,050) according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, or one school bus body, or one school bus chassis; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 433 on Third Reading**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 433 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Graves	Lanning



Lemens	Spears
Martin	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Winfield
Small	

**Absent—Excused**

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Nelson
Beck	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

**Nays—1**

Brownlee
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**Absent—Excused**

Cotten	Metcalf
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**Committee Substitute for Senate Bill 357 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

Committee Substitute S. B. No. 357, A bill to be entitled "An Act to amend Article 4117 of the Revised Civil Statutes of Texas of 1925 and to provide whenever it comes to the knowledge of a County Judge that any person whose legal domicile is in his county or who may be found therein or who own property therein is a minor, person of unsound mind, or a habitual drunkard, and is without a guardian of his property or estate, may cause proper proceedings to be commenced for the appointment of

a guardian of such person and his estate or either and providing the procedure that shall be followed in such cases, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Committee Substitute Senate Bill 357 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 862 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 862, A bill to be entitled "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct, the issuance of bonds and levying and collection of the tax not to exceed ten (10c) cents on the One Hundred (\$100.00) Dollar valuation on all property in said Precinct; providing interest on said bonds; providing tax to apply on real and per-

sonal property; providing for purchase of site within said Precinct; providing election authorizing construction of lake and recreational park, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 862 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 862 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalf
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#### House Bill 801 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 801, A bill to be entitled "An Act authorizing County Commissioners' Courts in certain counties to pay employees' salaries while ill or injured, providing payment of such salaries, providing mode and manner of payment of such salaries, providing vacation periods for employees in certain counties, providing number of days of said vacation during any calendar year, providing for full compensation during such vacation, and declaring an emergency."

The bill was read second time.

Senator Spears offered the following (committee) amendments to the bill:

#### (1)

Amend H. B. No. 801 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That from and after the effective date of this Act in all counties in this State, having a population of not less than 290,000 inhabitants nor more than 320,000 inhabitants according to the last Federal Census and all future Federal Census, the Commissioners' Court of such counties shall provide for, and it shall be their duty, to pay employees of such counties while incapacitated from duty on account of illness or injury, suffered or sustained while in the active and actual discharge of his or her duty to said county, upon the following basis, and in the following manner to-wit: Where said employee suffers or sustains physical injury while in the actual discharge of his or her duties to the county, which renders said employee unfit for the discharge of such duties as may be imposed upon said employee by the Commissioners' Court, then said Commissioners' Court is hereby authorized and required to pay said employee not exceeding six (6) months pay upon the following basis: (a) The first three months illness or any fractional part thereof upon the basis of said

employee's full and regular pay, (B) The second and last three months, or any fractional part thereof if such illness should continue for said period upon the basis of one-half the regular pay of said employee. Should said employee of the county become ill from any other cause which can be directly traced to his or her employment with the county, and the discharge of his or her duties, then said employee shall be paid upon the same identical basis as is hereinabove set forth.

Sec. 2. The Commissioners' Court of said counties and each of them shall inquire into any and all injuries and illnesses of said employees before making any awards of money under this law, and it shall be the duty of said Commissioners' Courts to examine witnesses, conduct hearings and subpoena witnesses for the purpose of determining the merits of each claim. The said Commissioners' Courts are hereby specifically authorized to grant or refuse awards of money unto any employee, and are also given the right to make awards in any amount not exceeding the limits as set by this Act. Any employee feeling himself or herself aggrieved by the action of the Commissioners' Court, shall have the right of appeal to the Court having jurisdiction of the amount involved, provided said appeal is taken within 10 days after rendition of the judgment of the Commissioners' Court of such county, and said trial shall be de novo.

Sec. 3. The Commissioners' Court of the counties provided for in this Act may grant vacations to employees in the actual employ of such counties not exceeding ten (10) days in any calendar year, and when such vacations are granted, all employees in actual employment of such counties shall be compensated for such vacation time as if actual service was being rendered under their employment. It being the purpose of this Act to grant reasonable vacation time during each calendar year for employees in the counties embraced within this Act.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

Sec. 5. The fact that in the counties embraced within this Act, employees of such counties do not draw

pay during illness or injury, and the fact that many of said employees are poor and unable to properly provide medical care, sustenance, including food and clothing, for their families during periods of illness or injury, and the fact that some guarantee or insurance of such persons should be made by the counties affected by this Act, and the further fact that reasonable vacation periods should be granted employees in such counties in accordance with reasonable regulations for employees by corporations and industry generally, and the fact that such vacation periods are conducive of better service and a more generous and patriotic contribution by such employees to the general welfare of such counties create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend H. B. No. 801 by striking out all above the enacting clause and substitute in lieu thereof the following:

#### A BILL

#### TO BE ENTITLED

An Act Authorizing and requiring County Commissioners' Court in certain counties to pay employees salaries while ill from injuries received in line of duty; also in cases of illness directly resulting from employment; providing mode and manner of payment of such salaries and amount of same; providing method of determining liability of County Commissioners' Courts; providing for hearings, examination of witnesses and giving County Commissioners' Courts rights to subpoena witnesses; providing method of appeal; providing for vacation with pay during each calendar year; repealing all laws in conflict and declaring an emergency.

The (committee) amendments were adopted.

The bill was passed to third reading.

**House Bill 801 on Third Reading**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 801 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalfe
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**House Bill 161 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 161, A bill to be entitled "An Act giving the Commissioners' Courts authority to fix the salary of the County Treasurer, amending Section 13, Article 3912-E, Revised Civil Statutes of Texas 1925, reducing the minimum compensation which the County Treasurer is authorized to receive, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Isbell offered the following amendment to the bill:

Amend H. B. No. 161 as follows:

By striking out the amount of Twenty-five Dollars (\$25.00) and insert in lieu thereof the amount of Fifty Dollars (\$50.00), and amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

**House Bill 161 on Third Reading**

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 161 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 829 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 829, A bill to be entitled "An Act extending the validating provisions of Articles 961 and 961a of the Revised Civil Statutes, 1925, by the addition of Article 961b; reenacting the provisions of Articles 961 and 961a, and giving said cities, towns or villages all the powers heretofore granted to them under Title 28; validating all proceedings heretofore had by the governing bodies of all cities and towns in counties having a population of more than 46,100 and less than 46,200, according to the last preceding Federal Census, in the issuance and sale of obligations used in financing any project for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the government of the United States; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigation, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 829 on Third Reading

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 829 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 649 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 649, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census, repealing all laws and parts of laws, General or Special, in con-

flict herewith, and declaring an emergency."

The bill was read second time.

Stone of Galveston offered the following amendment to the bill:

Amend House Bill No. 649 by adding in Section 1, line four, thereof, just before the word "according," and in Section 3, in the fourth line of said section, just before the word "according," the following:

"and in counties having a population of not less than sixty-four thousand four hundred (64,400), and not more than sixty-four thousand five hundred (64,500)."

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 649 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 649 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 893 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 893, A bill to be entitled "An Act authorizing the Commissioners' Court of counties having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such Inspector, and authorizing a charge therefor, exempting Federal, State, county, city governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 893 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 893 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten Metcalfe

## House Bill 622 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 622, A bill to be entitled "An Act amending Section 2, Article 2326e of the Revised Civil Statutes of Texas, 1925, as amended, providing for 'salaries of reporters in certain counties,' so that the same shall hereafter read as follows."

The bill was read second time and was passed to third reading.

## House Bill 622 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 622 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lemens
Beck	Martin
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	

Stone	Sulak
of Galveston	Van Zandt
Stone	Weinert
of Washington	Winfield

## Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten Metcalfe

## House Bill 960 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 960, A bill to be entitled "An Act to create a police pension system for all cities in this State having a population in excess of 290,000, according to the preceding or any future Federal Census; providing for the creation of a policemen's relief and retirement fund for such cities; providing that said fund shall be administered by a pension board; providing who shall participate in said pension fund; providing how said pension board shall be constituted, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 960 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 960 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalfe
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## House Bill 957 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 957, A bill to be entitled "An Act to prohibit seining, gigging, and taking fish by use of hands, or

any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 957 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 957 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell



Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

## Absent—Excused

Cotten	Metcalfe
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**House Bill 958 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 958, A bill to be entitled "An Act providing for a budget system in counties of 350,000 inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said Counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 958 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 958 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalfe
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**House Bill 877 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350), and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 877 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 877 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 544 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 544, A bill to be entitled "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not

more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, including Common School Districts, Independent School Districts, Consolidated School Districts, all County Line School Districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, Rural High school District, and all other School Districts, group or annexations of whole districts or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; . . . etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 544 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 544 be placed on its third reading and final passage:

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Nelson
Beck	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

## Nays—1

Brownlee

## Absent—Excused

Cotten

Metcalf

## House Bill 872 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 872, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 872 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 872 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Martin
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

## Absent—Excused

Cotten

Metcalf

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten

Metcalf

## House Bill 715 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 715, A bill to be entitled "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, insofar as the same relates to the 76th Judicial District composed of Titus, Franklin, Camp, Morris and Marion Counties; providing certain changes in the terms of said Counties; providing that any court in session at the time this Act becomes effective shall close its term in conformity herewith; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 715 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 715 be placed on its third reading and final passage.

The bill was read second time and was passed to third reading.

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten Metcalfe

**House Bill 929 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 929, A bill to be entitled "An Act to prohibit cities, towns and villages from dedicating or establishing thoroughfares or public streets

and/or alleys through certain parks commonly known as amusement parks and to prevent general vehicular traffic through same and permitting cities, towns and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time.

By unanimous consent, the following (committee) amendment to the bill was adopted:

Amend the caption to H. B. No. 929 by adding after the word "expended" in line six of the caption, the following:

"Unless and until approved by a majority vote of the qualified voters of such cities, towns and villages."

The bill was passed to third reading.

**House Bill 929 on Third Reading**

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 929 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 541 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 541, A bill to be entitled "An Act amending Article 6871, Title 120, Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read second time and was passed to third reading.

## H. B. No. 541 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 541 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 955 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 955, A bill to be entitled "An Act establishing, authorizing and providing for Junior Colleges in connection with the Independent School Districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such Independent School Districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040), and not more than six thousand and seventy (6,070), according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishing by the Board of Trustees of such Independent School Districts; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 955 on Third Reading**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 955 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalf
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**House Bill 333 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 333 on Third Reading**

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 333 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Absent—Excused**

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak

Van Zandt                      Winfield  
Weinert

Absent—Excused

Cotten                      Metcalfe

#### House Bill 742 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 742, A bill to be entitled "An Act changing the name of the State Juvenile Training School to be hereafter known as the Gatesville State School for Boys."

The bill was read second time and was passed to third reading.

#### House Bill 742 on Third Reading

Senator Aiken moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 742 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten                      Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell

Kelley  
Lanning  
Lemens  
Martin  
Moffett  
Moore  
Nelson  
Pace  
Redditt  
Roberts  
Shivers

Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent—Excused

Cotten                      Metcalfe

#### House Bill 884 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 884, A bill to be entitled "An Act declaring the Collared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of an Peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 884 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 884 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten                      Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—25

Aikin	Nelson
Beck	Pace
Burns	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	

## Nays—4

Brownlee	Weinert
Collie	Winfield

## Absent—Excused

Cotten	Metcalf
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## House Bill 941 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 941, A bill to be entitled "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10A, 10B, 10C, 10D, 10E, and 10F, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investigations and in acquiring the necessary lands, leases, easements and/or acquitances, public structures and reservoirs suitable for the control of flood waters for the San Jacinto Watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; provide that the District shall not mortgage or otherwise encumber any of its properties, other than its revenues; providing how the District may acquire lands, leases, easements, properties and power and right of eminent domain; granting additional powers un-

der said Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 941 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 941 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Present—Not Voting

Cotten	Metcalf
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**House Bill 903 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 903, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; providing rules for cleaning and sterilizing dishes or utensils; prohibiting the use of cracked or broken dishes and utensils, and unlaundered napkins and unprotected napkins, straws, and other articles commonly used in eating and drinking; prohibiting the use of unsterilized or broken utensils in factories; providing penalties; repealing Article 700-a, Title 12, Chapter 1, Revised Criminal Statutes of Texas; making certain exemptions; saving to the State the right to prosecute for violation prior to the repeal of these Articles; providing that if any particular Section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 903 on Third Reading**

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 903 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Nelson
Beck	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—1

Brownlee

**Absent—Excused**

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Beck	Pace
Burns	Redditt
Graves	Roberts
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Martin	Van Zandt
Moffett	Winfield
Moore	

Nays—7

Aikin	Nelson
Brownlee	Shivers
Collie	Spears
Lemens	Weinert

**Absent—Excused**

Cotten Metcalfe

**House Concurrent Resolution 72**

The President laid before the Senate for consideration at this time:

H. C. R. No. 72, Granting L. L. White, his heirs, executors, and administrators permission to bring suit against the State of Texas and the Highway Commission of Texas.

The resolution was read.

Senator Nelson offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 72 by Harp, by Striking out the period at the end of said resolution and inserting in lieu thereof a semicolon and then the following language:

"and be it further

"Resolved, That the sole purpose of this resolution is to grant permission to said L. L. White, his heirs, executors, and administrators to bring suit against the State of Texas and the Highway Commission of Texas for the alleged cause of action, and no statement made herein shall be construed as an admission of fact

by the State and/or Highway Department."

The amendment was adopted.

The resolution as amended was adopted.

#### House Bill 759 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 759, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 759 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 957 be placed on its third reading and final passage:

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalf
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#### Committee Substitute for House Bill 191 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 191, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Senator Head offered the following amendment to the bill:

Amend substitute H. B. 191 by striking out Sec. 15 and renumbering the following sections accordingly.

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

#### Committee Substitute for House Bill 191 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 191 be placed on its third and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten Metcalfe

## House Bill 971 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 971, A bill to be entitled "An Act fixing the compensation of Tax Collector-Assessor, County Clerk, District Clerk, Sheriff and County Auditor in all counties in this State hav-

ing a population of not less than forty-eight thousand five hundred and forty (48,540), and not more than forty-eight thousand, five hundred and eighty (48,580), according to the last Federal Census, or any subsequent Federal Census; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

The bill was read second time.

Senator Beck offered the following amendments to the bill:

## (1)

Amend the bill by striking out all after the enacting clause and substituting the following:

Section 1. That from and after the effective date of this Act in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred and thirty (48,930), according to the last preceding Federal Census, the Commissioners Courts shall have the power and authority to fix the salaries of the Sheriff, the Tax Assessor-Collector, the County Clerk, the County Judge, the District Clerk, and the County Attorney; provided, however, that the salary of the Sheriff shall not be fixed in excess of the sum of Four Thousand Two Hundred Fifty (\$4,250.00) Dollars per annum, nor less than the sum of Three Thousand Six Hundred (\$3,600.00) Dollars per annum; the salary of the Tax Assessor-Collector shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three Thousand Six Hundred (\$3,600.00) Dollars per annum; the salary of the County Clerk shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three Thousand Two Hundred (\$3,200.00) Dollars per annum; the salary of the County Judge shall not be fixed in excess of the sum of Three Thousand Three Hundred (\$3,300.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum; the salary of the District Clerk shall not be fixed in excess of the sum of Three Thousand Three Hundred (\$3,-

300.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum; the salary of the County Attorney shall not be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum.

Section 2. All such salaries shall be paid in twelve (12) equal installments per year, and paid from funds now provided by law for payment of such officials.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. The fact that it is desirable to fix the compensation of county officials in the counties above set out, effective from and after the effective date of this Act, and the fact that officials in such counties are now receiving excessive salaries create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

(2)

Amend House Bill No. 971 by striking out the caption and substituting the following:

#### A BILL

#### TO BE ENTITLED

An Act authorizing and empowering the Commissioners Courts to fix the compensation of the Sheriff, Tax Collector-Assessor, County Clerk, County Judge, District Clerk, and County Attorney in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred thirty (48,930), according to the last preceding Federal Census; fixing maximum and minimum salaries for such officers; fixing the mode and manner of the payment of such salaries; fixing the effective date of this Act; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only; and declaring an emergency.

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 971 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 971 be placed on its third reading and final passage.

The motion prevailed by the following vote.

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten Metcalfe

**House Bill 205 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

The bill was read second time.

Senator Martin offered the (committee) amendment (1) to the bill.

The (committee) amendment was adopted.

On motion of Senator Martin, the caption was amended to conform to the body of the bill.

The bill was passed to third reading.

**House Bill 205 on Third Reading**

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 205 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Nelson
Beck	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

**Nays—1**

Brownlee

**Absent—Excused**

Cotten

Metcalf

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Burns	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Van Zandt
Moffett	Winfield

**Nays—6**

Aikin	Stone
Beck	of Washington
Brownlee	Sulak
	Weinert

**Absent—Excused**

Cotten

Metcalf

**House Bill 679 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners' Court of any County may order the Tax Assessor and Collector of said County to post notices in each voting or justice precinct in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring and emergency."

The bill was read second time and was passed to third reading.

**House Bill 679 on Third Reading**

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 679 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Graves	Lemens
Hardin	Martin

Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Metcalf
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**House Bill 888 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 888, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturer thereof; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the en-

forcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 888 on Third Reading**

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 888 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Moffett	Winfield
Moore	

Nays—2

Brownlee	Van Zandt
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Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21

Beck	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Weinert
Nelson	Winfield

## Nays—8

Aikin	Moore
Brownlee	Stone
Burns	of Washington
Isbell	Van Zandt
Moffett	

## Absent—Excused

Cotten	Metcalf
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## Senate Bill 441 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 441, A bill to be entitled "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts having fewer than ten (10) scholars and not having conducted a school for a period of five (5) years; providing that the territory of school district so abolished or subdivided may be attached to contiguous districts in such manner as may be determined by the county boards; providing for the adjustment of bonded indebtedness and the distribution of funds; violating actions of county boards of trustees heretofore taken to accomplish objects authorized by this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 441 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 885 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 885, A bill to be entitled "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of

Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 885 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 885 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

#### Absent—Excused

Cotten	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—21

Aikin	Graves
Beck	Hardin
Burns	Head

Hill	Shivers
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Moffett	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	

#### Nays—8

Brownlee	Nelson
Collie	Small
Isbell	Weinert
Moore	Winfield

#### Absent—Excused

Cotten	Metcalfe
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#### House Bill 6 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 6, A bill to be entitled "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts, Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 6 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Martin
Burns	Moffett
Collie	Moore
Graves	Nelson
Hardin	Pace
Head	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Small



Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brown'ee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Metcalf
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**House Bill 987 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 987, A bill to be entitled "An Act to create and establish a perpetual, public charitable, non-profit Body Corporate, to be denominated 'Navarro Community Foundation,' domicile at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to anyone or more or all of the following public charitable purposes: (1) Religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire and dispose of property

in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 987 on Third Reading**

Senator Pace moved that the constitutional rule requiring bill to be read on three several days be suspended and that H. B. No. 987 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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## House Bill 132 on Second Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 132 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

## Absent—Excused

Cotten	Metcalf
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On motion of Senator Pace and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended to permit consideration of H. B. No. 132 at this time.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. 132 by striking out Section 3 thereof.

The amendment was adopted.

## Record of Vote

Senators Collie and Sulak asked to be recorded as voting "nay" on the amendment.

The bill then was passed to third reading.

## House Bill 132 on Third Reading

The President laid H. B. No. 132 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Vote

Senator Sulak asked to be recorded as voting "nay" on the passage of the bill.

## Adjournment

Senator Collie moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 10:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 303 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. C. R. No. 42 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 283 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 367 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 13 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled bills, have had S. B. No. 6 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 57 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 86 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 268 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 221 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 439 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 438 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 444 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.